

May 16, 2011 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, May 16, 2011 at 7:00 P.M.

Council President Arthur S. Weber, Jr., Presiding

Councillor Christopher T. Semonelli

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Vice President Bruce J. Long, Absent

Councillor Richard Cambra

Councillor Edward J. Silveira, Jr.

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been

considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

M. Theresa Santos, 214 Morrison Avenue, representing the Citizens

War Memorial Committee, presented the Council with the completed name plate of Fire Chief John F. Abreu, for the Hall of Fame plaque.

PRESENTATION

- 1. Memorandum of Chief Doire, re: Fire Department Promotional Ceremony.**

Fire Chief Ronald Doire announced the promotion of Andrew Meehan as Training Captain. Mr. Meehan was sworn in by the Town Clerk and pinned by his wife.

Fire Chief Ronald Doire announced the promotion of Mark Wilkey as Shift Captain. Mr. Wilkey was sworn in by the Town Clerk and pinned by his wife.

On motion of Councillor Semonelli, duly seconded, it was voted

unanimously to receive said memorandum.

ACTING AS A BOARD OF LICENSE COMMISSION

2. (Advertised for Public Hearing)

Application of K. Wang, Inc. dba Sakura Steak House, holder of a Class BV Alcoholic Beverage License to TRANSFER said License to Mizuyama Japanese Restaurant Corp. dba Mizu Steak House, for use at the same premises.

Public Hearing was declared open.

There being no persons present desiring to be heard, public hearing was declared closed.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to grant said license.

CONSENT

3. Approval of Minutes, re: Special Meeting, April 25, 2011.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to approve said minutes.

4. Approval of Minutes, re: Special Meeting, April 27, 2011.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to approve said minutes.

5. Approval of Minutes, re: Regular Meeting, May 2, 2011.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to approve said minutes.

6. Resolutions from Rhode Island Cities and Towns, re: Requesting support for proposed legislation In Opposition to Binding Arbitration, to oppose 2011 – S413 & H5943 that mandates expired teacher contracts must continue at the existing terms and conditions and support of a June 1 Layoff Notice Date as Provided in Senate Bill 2011 – S007. (See Attached List)

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said resolutions.

7. Communication of Susanne Greschner, Chief, Department of Revenue, Division of Municipal Finance, re: Acknowledgement of receipt for Notice of Proposed Property Tax Rate Change.

Enter communication

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said communication.

8. Communication of Janet Coit, Director RIDEM, with enclosures, re: Rhode Island Cesspool Act of 2007.

Enter communication

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said communication.

9. Memorandum of Town Administrator, with enclosures, re: Financial Statements for period ending March 31, 2011.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum and Financial Statements.

10. Memorandum of Town Administrator, with enclosure, re: Tax Collector's report for period ending March 31, 2011.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum and report.

11. Application for Special Event Permit from Amica Insurance and Eident Sports for the Amica 19.7 Newport Sprint Triathlon to be held at Third Beach, Town Roads and Finish at Sachuest Beach,

Registration Friday, September 23, 2011 from 12 Noon to 7:00 pm and event on Saturday, September 24, 2011 beginning at 5:00 am to 11:00 am.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said special event permit.

LICENSES & PERMITS

12. Application of Mizuyama Japanese Restaurant Corp. dba Mizu Steak House, 250 East Main Road for a Victualling House License for the 2010-2011 licensing year. (NEW)

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshal, Board of Health and Public Works approvals.

13. Application of Ruby Tuesday, Inc. dba Ruby Tuesday #7342, 593 West Main Road for an Amusement License for the 2011-2012 licensing year. (NEW; Inside Restaurant – 2 person band)

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said license.

OTHER COMMUNICATIONS

14. Communication of Richard Rodrigues, Chelsea's Restaurant, re: Request to amend Zoning Ordinance - temporary signs. (Requires Planning Board recommendation)

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said communication and refer said request to

the Planning Board for recommendation.

15. Request of Navy League of the United States, re: Request for support by sponsoring a table for the Annual Military Appreciation Night (Navy League) at the Atlantic Beach Club.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum and sponsor a ½ table (cost \$250.) for the Annual Military Appreciation Night (Navy League) at the Atlantic Beach Club to be appropriated from the Council President's Discretionary Fund.

16. Communication of Joyce Williams, Victoria Johnson, Alphonsa Cook, Tournament Coordinators, Newport County NAACP, re: Request for support – NAACP Annual Golf Tournament.

On motion of Councillor Semonelli, duly seconded, it was vote to receive said communication and authorize a \$100. donation for

sponsorship of a TEE, said donation to be appropriated from the Council President's Discretionary Fund

17. Memorandum of Town Administrator, with enclosures, re: Dr. Shoemaker's communications concerning Regional District Planning Committee.

Councillor Viveiros reviewed the Council timeline, since the disbandment of the Town Regional District Planning Committee.

Councillor Semonelli noted that the Aquidneck Island School/Municipal Advisory Committee is seeking to take the next step in the regionalization process.

Councillor VonVillas expressed support to advance to the next level of the regionalization process.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

18. Memorandum of Councillor VonVillas, re: Regionalization.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

Councillor VonVillas reviewed her memorandum entered above.

Councillor Semonelli noted his agreement with Councillor VonVillas.

Councillor Viveiros explained that it is time for Newport County Councils to unite and discuss regionalization.

Council President Weber noted the need to amend State Law concerning regionalization.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to authorize the Council President to invite all Newport County Councils to come together to discuss regionalization.

TOWN ADMINISTRATOR COMMUNICATIONS

19. Memorandum of Town Administrator, re: Shared Municipal Court.

Acting Town Administrator Chief Pesare reviewed the following memorandum entered here:

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to approve the concept of a shared Municipal Court between the Town of Middletown and Town of Portsmouth.

20. Memorandum of Town Administrator, with enclosures, re: Contract Award: Development of Internet – Based GIS Mapping Service.

Town Planner Ronald Wolanski reviewed the Development of Internet –Based GIS Mapping Service noting the desired outcomes of the online GIS applications entered here:

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

21. Resolution of the Council, re: Contract Award: Development of Internet – Based GIS Mapping Service.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to pass said resolution.

22. Memorandum of Town Administrator, with enclosure, re: Contract Award: Drug Free Communities Grant Evaluator.

Substance Abuse Coordinator Lori Verderosa explained that the hiring of a Drug Free Communities Grant Evaluator is a requirement of the Drug Free Communities Grant.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

23. Resolution of the Council, re: Contract Award: Drug Free Communities Grant Evaluator.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to pass said resolution.

24. Memorandum of Town Administrator, with enclosure, re: Surplus Property.

Acting Town Administrator Chief Pesare reviewed the memorandum entered here:

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

25. Resolution of the Council, re: Surplus Property – 1997 Ford Explorer.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to pass said resolution.

26. Memorandum of Town Administrator, with enclosure, re: Beach Vehicle Purchase.

Public Works Director Tom O'Loughlin requested the approval to purchase two used vehicles for the beach.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said memorandum.

27. Resolution of the Council, re: Beach Vehicle Purchase.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to pass said resolution.

APPOINTMENTS AND RESIGNATIONS TO BOARDS AND COMMITTEES

28. Appointment of two (2) members to the Pension Trust Fund Investment Committee, one term expiring February 2013 and one term expiring February 2014.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to appoint John Finn for a term expiring February 2014 and Peter Damon for a term expiring 2013 to the Pension Trust Fund Investment Committee.

29. Appointment of one (1) member to the Open Space and Fields Committee to complete a term expiring November 2011.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to appoint Austin Prendergast to the Open Space and Fields Committee for a term expiring November 2013.

30. Email communication of Chris Epperson, re: Resignation from the Middletown Substance Abuse Prevention Task Force.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said email communication and accept said resignation with regret.

31. Email communication of Wendy Lord Harvey, re: Resignation

from the Middletown Substance Abuse Prevention Task Force.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said email communication and accept said resignation with regret.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (2) Collective Bargaining (Town Hall Union).

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to recess open session at 7:45 P.M. and reconvene in executive session.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to reconvene in open session at 7:57 P.M.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to adjourn said meeting at 8:00 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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